

Honorable Timothy W. Dore
Hearing date: May 15, 2015; 9:30 a.m.
Hearing Place: Room 8106, 700 Stewart Street, Seattle, WA 98101
Responses due by: May 8, 2015; by 4:30 p.m.

IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

In re:) Chapter 7
ISSAQUAH GLASS INC.,) Bankruptcy No. 14-16379
Debtor(s).) MOTION FOR AN ORDER
AUTHORIZING SALE BY AUCTION
AND PRIVATE SALE FREE AND
CLEAR OF LIENS AND INTERESTS

COMES NOW Nancy James, being duly qualified and acting trustee, through counsel, The Livesey Law Firm, and Rory C. Livesey, and applies to this court as follows:

Among the personal property of the estate is: approximately 20 vehicles, office equipment, shop equipment and inventory of the debtor.

It is necessary in the administration of this estate that said property be sold at public auction. The trustee has, pursuant to an order entered herein, employed James G. Murphy, Inc., P.O. Box 82160, Kenmore, Washington, 98028 (425-486-1246), www.murphyauction.com, to conduct a public auction of the above-described property. The fee requested by the auctioneer is ten percent (10%) of the gross auction price plus those necessary expenses not to exceed \$20,000. Pending approval by the court, the auction will take place at the debtor's business site located at 30200 S.E. 79th Street, Issaquah, Washington, on May 20, 2015, at 9:00 a.m.

The sale will be free of all liens and interest, said liens and interests to attach to the proceeds of sale as though those proceeds were the property, said liens and interests to be satisfied from those

1 proceeds. If you claim such a lien or interest you must file a Proof of Claim setting forth your claim
2 or interest with the Bankruptcy Court *and* the undersigned prior to the hearing date set forth above.
3 Proof of Claim forms can be obtained by written request sent to the Clerk of the Bankruptcy Court
4 at the above address (include a self-addressed and stamped envelope). Two of the vehicles are
5 leased. The trustee has requested payoffs from the lessor. It is expected that the payoffs are less
6 than the value of the vehicles. The trustee will request to pay to the secured creditor the amount of
7 its secured claim. If the vehicles sell for less than the amount owed, the trustee will pay the creditors
8 the net auction proceeds from their sales.

9 Tim Hensley, a former employee of the debtor, has been using one of the vehicles, a 2007
10 Ford F10 Supercab, as a company vehicle. He has offered to purchase it for \$6,150, which is the
11 mid-range NADA value. The debtor's schedules value the vehicle at \$5,000. The trustee has agreed
12 to sell it to Mr. Hensley for \$6,150. It provides a certain recovery for the vehicle without the risk
13 and uncertainty of an auction. However, if the sale does not close before the May 20, 2015 auction
14 date, the vehicle will be placed for sale in the auction.

15 There has been some modest interest expressed to the trustee for the purchase of all of the
16 debtor's assets. If the trustee receives an offer for all of the assets that exceeds the estimated auction
17 proceeds and the trustee determines such a sale is in the best interest of the creditors, she reserves
18 the right to present it to the court instead of a sale by auction. With the exception of the sale of the
19 truck listed above, the trustee will only accept an offer for all of the assets. She will not sell the
20 assets piecemeal other than by auction.

21 The trustee has negotiated a reduced rent with the debtor's landlord. The landlord will
22 accept \$10,000 in satisfaction of its Chapter 7 administrative claim. The trustee has agreed to pay
23 that amount upon receipt of the auction proceeds.
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25

1 WHEREFORE the trustee prays for an order authorizing the sale by auction and private sale
2 of the above referenced personal property free and clear of liens and interests as described and pay
3 the debtor's landlord \$10,000 for its Chapter 7 administrative rent claim.

4 DATED this 21st day of April, 2015.

5 THE LIVESEY LAW FIRM

6 */S/ Rory C. Livesey*
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Rory C. Livesey, WSBA #17601
Of Attorneys for Trustee